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Written statement* submitted by Americans for Democracy & Human Rights in Bahrain Inc, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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The Culture of Impunity in Bahrain

Americans for Democracy & Human Rights in Bahrain (ADHRB) takes this opportunity at the 38th Session of the United Nations Human Rights Council (HRC) to raise serious concern regarding the continued culture of impunity Bahrain. Bahraini officials continue to commit widespread and systematic human rights abuses, yet the government and the courts have little to show in terms of accountability.

1. Recent Widespread Abuses

In Bahrain, there have been numerous credible accounts of abuses carried out by officials – including senior officials and members of the royal family. Torture and ill-treatment by officials is prevalent in Bahraini detention centers and prisons, especially in cases where anti-terror laws are being used against activists. Arbitrary detention and enforced disappearances also remain widespread throughout the kingdom. Extrajudicial killings have been committed by security forces through violent raids on peaceful protests and attacks on civilians have led to nearly zero repercussions. Many of these crimes are directed towards human rights defenders, political opposition leaders, religious figures and journalists. These tactics are used to crack down on civil and political society, and the government has largely endorsed these crimes by failing to seek out and adequately punish perpetrators.

2. Targeting of Journalists

Crimes against journalists have been especially egregious, and only a small number of low-level officials have been prosecuted and convicted, with most sentences failing to reflect the gravity of the crimes. In the case of Nazeeha Saeed, for example, despite clear evidence, the officer responsible for her torture in 2011 was ultimately acquitted. Meanwhile, security forces continue to systematically commit abuses and even retaliate against those who come forward with complaints.

Even in cases of suspicious death or extrajudicial killing, the government has refused to properly investigate and prosecute perpetrators. Zakariya Rashid Hassan al-Ashari died under suspicious circumstances after he was arrested and charged with disseminating false news and inciting hatred in 2011. Authorities claimed al-Ashari died from complications of sickle-cell anemia, but the journalist's family told reporters that he did not suffer from that illness or any other ailment. Only a few days after al-Ashari's death, Karim Fakhrawi, Al-Wasat's co-founder, was killed by Bahrain's National Security Agency. The government investigated the case amid public pressure, but the responsible officials were never formally charged with torture leading to death, which could yield up to life in prison. Instead, the officials were ultimately sentenced to just three years in prison on a lesser charge after appeal. Then in 2012, freelance journalist Ahmed Ismael Hassan al-Samadi died after being shot while filming a protest in the village of Salmabad. Following Hassan's death, the UN called for an investigation into his killing, but the status of the judicial inquiry into the case is still considered unresolved.

3. Lack of Accountability

A climate of impunity persists in Bahrain – where the government has failed to hold officials accountable for systematic human rights violations. The abuses committed during and since the crackdown of the 2011 peaceful protests have only resulted in a limited number of prosecutions and convictions, while the few limited sentences handed down were later greatly reduced.

In early January 2017 masked security personnel believed to be members of the National Security Agency (NSA) attacked a peaceful sit-in in the village of Duraz, firing live ammunition into the crowd and killing 18-year-old Mustafa Hamdan. The sit-in was then permanently dispersed in May when security forces again raided Duraz, this time arresting hundreds and killing five, including Hamdan's older brother. No investigation or prosecution was known to have taken place into the deaths of the six men.
That same year, a Bahraini activist, Ebtisam al-Saegh, was repeatedly harassed, detained, and tortured. From January to April – and particularly following her participation in the 34th Human Rights Council – al-Saegh was repeatedly

interrogated; subjected to a state-backed defamation campaign; targeted with travel bans; and threatened with attacks on her family. Then in May, al-Saegh was summoned for interrogation by the National Security Agency (NSA) and physically, psychologically and sexually tortured. Authorities threatened to continue targeting al-Saegh and her family if she did not cease her human rights activities. No investigation into these crimes took place.

To date, no senior officials have been held accountable for torture, excessive use of force or extrajudicial killings in Bahrain. When investigations into security personnel accused of abuses do occur, they are frequently slow and ineffective, thus deepening the culture of impunity. Lack of accountability is also a systemic problem that extends into the government. Mubarak bin Huwail was accused of torturing six medics, and was acquitted in July 2013. Less than a week later, Mubarak was seen meeting with the Prime Minister of Bahrain, Shaikh Khalifa bin Salman Al Khalifa, who thanked him for his "good work" and assured him that "the laws don't apply to you." Mubarak bin Huwail was later promoted to Brigadier General and appointed to head of the entire Southern Governorate Police Force.

Due to Bahrain's culture of impunity, the same people continue to oversee severe rights violations. While bin Huwail was in charge of the Sothern Governorate Police Force, Nabeel Rajab – a human rights defender – experienced terrible conditions while held in long-term pre-trial detention in a small local police station, following which, he needed to be hospitalized for months.

4. Involvement of the Royal Family

Members of the royal family are particularly immune to investigation and prosecution, therefore sanctioning a culture of torture, violence and impunity. Following the government's violent suppression of the 2011 pro-democracy movement, credible evidence emerged that Sheikh Nasser bin Hamad Al Khalifa – son of Bahrain's king – directed the arbitrary detention and torture of protesters, opposition activists, and athletes. In his capacity as head of the Olympic Committee, Sheikh Nasser created a special commission to identify and punish more than 150 members of the sporting community who had peacefully demonstrated. It was also reported by two opposition leaders that Sheikh Nasser personally tortured them at the Ministry of Interior's facilities in Manama. Opposition figures, including Mohammed Habib al-Miqdad, also accused Sheikh Nasser of flogging and beating them all over their bodies for nearly 12 hours, among other abuses. Sheikh Nasser has never been subject to investigation or prosecution in Bahrain. Then, in 2017, Bahrain's king appointed him to serve as a member of the Supreme Defense Council (SDC) – the country's highest defense authority, which presides over major national security decisions.

This is not the first time that the Bahraini government has appointed an official accused of torture to the SDC. In November 2011, after an independent commission found that the National Security Agency (NSA) – the kingdom's chief intelligence body – was deeply implicated in torture and extrajudicial killing, the king removed its director, Sheikh Khalifa bin Abdullah Al Khalifa. However, rather than launch a full criminal investigation, the king proceeded to appoint Sheikh Khalifa secretary-general of the SDC and a personal national security advisor with a ministerial rank.

Sheikha Noura bint Ibrahim al-Khalifa, another member of the Bahraini royal family, was also allegedly involved in torture. Some of the doctors who were sentenced to lengthy jail terms in 2011 for aiding injured protestors alleged that Sheikha Noura beat prisoners with sticks and a rubber hose, and gave electric shocks to the face with a cable. Sheikha Noura was acquitted for all crimes in 2013.

5. Failure of Accountability Mechanisms

Bahrain's human rights and oversight bodies – chief among them the Ministry of Interior Ombudsman, the Public Prosecution Office's Special Investigations Unit, and the National Institution for Human Rights – remain closely connected to the government and are incapable or unwilling to properly address the cases brought to their attention. Despite repeated communications and complaints from independent human rights organizations and the UN Special Procedures, these oversight bodies have not fulfilled their mandates, and have repeatedly worked to obscure the rights violations they are meant to investigate.

The Ombudsman continues to fail to address extensive, credible evidence of systematic arbitrary detention, torture, and mistreatment, and it does not provide thorough, transparent information about the resolution of complaints. Their most recent report omitted credible allegations of government responsibility for a death in custody during the latest period under review.

Bahrain's National Institution for Human Rights (NIHR), whose members are appointed by the king, has actively endorsed some of the government's most severe abuses. The most recent report by the NIHR, detailing events of 2017, failed to acknowledge any government role in violence against civilians or to even call for investigations into the two lethal raids on the peaceful Diraz sit-in, which ultimately left six demonstrators dead.

The Special Investigations Unit (SIU) is also mandated to investigate allegations of torture and ill-treatment. There is no public reporting mandate and complaints are not treated transparently. The organization has largely failed to secure convictions against perpetrators of torture and other human rights violations.

6. Recommendations

We therefore call on the Government of Bahrain to:

- Reform accountability mechanism to ensure their effective independence;
- Transparently prosecute all allegations of torture and abuse;
- Hold government officials at all levels—including the royal family—accountable for abuse.